

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NELLCOR PURITAN BENNETT, INC, et al, No C-04-1934 VRW

ORDER

Plaintiffs,

v

SMITHS MEDICAL INTERNATIONAL LTD,
et al,

Defendants.

On December 2, 2005, the court adopted various deadlines/hearing dates as proposed by the parties in their supplemental joint case management statement. Doc #91. The court did not address a dispute described in the statement's sections 11(a)-(b), in which plaintiffs proposed: (1) that the deadline for final infringement contentions be extended to April 25, 2006, "after plaintiffs obtain certain basic discovery from defendants;" and (2) that the deadline for final invalidity contentions be extended to May 15, 2006. Defendants opposed both requests, arguing that the court should enforce the deadlines set by Patent L R 3-6. That rule provides that after the court has served its

1 claim construction order, the parties have 30 days to serve their
2 final infringement contentions and 50 days to serve their final
3 invalidity contentions. Any other amendment or modification of
4 infringement or invalidity contentions may be made only by order of
5 the court upon a showing of good cause. Patent L R 3-7.

6 In this case, the claim construction order was served on
7 May 21, 2005. Accordingly, plaintiffs are seeking an extension of
8 nearly one year for both their final infringement and final
9 invalidity contentions. Plaintiffs have not shown good cause, as
10 required by Patent L R 3-7, to justify an extension of this length.
11 Although plaintiffs assert that they need certain basic discovery
12 before serving their final infringement contentions, plaintiffs do
13 not describe what this discovery is, or why this lengthy extension
14 is necessary. Moreover, plaintiffs do not provide any reason for
15 seeking an extension for filing their final invalidity contentions.
16 Accordingly, the court declines to extend either deadline.

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18 IT IS SO ORDERED.

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21 VAUGHN R WALKER

22 United States District Chief Judge
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